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USSN 10/758,855
Reply to Office Action of June 27, 2005

SUMMARY

Claims 1-5, 8-16 and 20-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yaniv (U.S. Patent No. 6,577,355) in view of Libby et al. (U.S. Publication No. 20040056829). Claims 6, 7, and 17-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yaniv in view of Libby et al., and further in view of Hsieh (U.S. Patent No. 5,123,192). Claims 1-25 will remain pending in the application upon entry of the present Response.

REMARKS

REJECTIONS UNDER 35 U.S.C. §103(a):

Claims 1-5, 8-16 and 20-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yaniv in view of Libby et al. Claims 6, 7, and 17-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yaniv in view of Libby et al., and further in view of Hsieh. Applicants traverse these rejections.

At the time the invention was made, Libby et al. was subject to an obligation of assignment to the Assignee of the present invention, as detailed and required by 35 U.S.C. §103(c). Since the rejections from the Office Action of June 23, 2005 as applied under 103 are all based the Libby et al. Publication, and since Libby et al. qualifies under the exception provided in 35 U.S.C. § 103(a), the rejections under 35 U.S.C. §103 based upon Libby et al. are improper and should be withdrawn as moot. (See MPEP 706.02(I)(1) and 35 U.S.C. 103(c)) Since no other rejections were applied to the pending claims in the June 23, 2005 Office Action and since conversion of these rejections to a final rejection would be improper, Applicants look forward to an indication of allowability of all pending claims.

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CONCLUSION

The Examiner is invited and urged to telephone the undersigned attorney with any questions or comments regarding the instant Response.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees that may be required for the timely consideration of this Amendment under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account No. 09-0528.

Respectfully submitted

9/23/05
Date

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